IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3417 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 3418 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 3420 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 3421 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 3422 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 3423 OF 2005

Sanjay Banarasidas Purohit ...Applicant

Versus

Jayesh Shah & Ors ...Respondents

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Mr. A.P. Malgaonkar, Advocate for Applicant.

Mr. J.A. Udaipuri i/b M/s. Udaipuri & Co. for respondent No.1.

Ms. Latika Nevrekar, Adv. for Respondent No.3.

Mr. Y.S. Shinde, APP. in Appln. 3417 & 3422/05.
Mr. Rajesh More, APP. in Appln. 3418/05.
Mr. R.S. Khadapkar, APP. in Appln 3420/05.
Ms. S.V. Gajare, APP in Appln. 3421/05.
Mr. S.R. Shinde, APP in Appln.3423/05.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 26TH AUGUST, 2005

P. C.:-

1. Heard the learned advocate for the applicant i.e. original accused, the learned advocate for respondents i.e. original complainant and the learned A.P.P. for the State.

2. The applicant has prayed for quashing of Complaint Nos. 347/SS/2004, 348/SS/2004, 349/SS/2004, 350/SS/2004, 351/SS/2004 and 352/SS/2004 which are pending in the Court of learned Additional Chief Metropolitan Magistrate, 2nd Court, Mazgaon, Mumbai. In the said case, process has been issued against the applicant under Section 138 of Negotiable Instruments Act. The learned advocate for the applicant submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside. If the process issued against the applicant is set aside, the proceedings in respect of the applicant would come to an end.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No. 550 of 2005, the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the applicant prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer

revisions before the concerned Sessions Court. The learned advocate for the applicant states that the necessary revisions would be preferred within a period of four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks from today. The learned advocate for the respondents i.e. original complainant fairly states that no objection would be raised in respect of delay in filing revisions before the learned Sessions Judge.

5. On the necessary revisions being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Office to issue an authenticated copy of this order to the parties.

7. Applications are disposed of.

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